

1 **FINAL**

2
3 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
4 **PLANNING COMMISSION MEETING**

5
6 **Wednesday, June 4, 2008**

7 **7:00 p.m.**

8 **Cottonwood Heights City Council Room**
9 **1265 East Fort Union Boulevard, Suite 300**
10 **Cottonwood Heights, Utah**
11

12
13 ***ATTENDANCE***

14
15 **Planning Commission Members:**

16
17 Gordon Nicholl, Chairman
18 Geoff Armstrong
19 Perry Bolyard, Alternate
20 J. Thomas Bowen
21 JoAnn Frost
22 Jerri Harwell, Alternate
23 Doug Haymore
24 Jim Keane
25 Amy Rosevear
26

15 **City Staff:**

Michael Black, Planning Director
Greg Platt, City Planner
Shane Topham, City Attorney
Morgan Brim, Planning Technician
Brad Gilson, City Engineer

27 **BUSINESS MEETING**

28
29 Chairman Gordon Nicholl called the meeting to order at 7:04 p.m. Procedural issues were
30 reviewed.
31

32 **1. WELCOME/ACKNOWLEDGEMENTS.**

33
34 Chair Nicholl welcomed those present and acknowledged the presence of Scout Troop 836.
35

36 **2. CITIZEN COMMENTS.**

37
38 Chair Nicholl stated that this item was to hear public comments from the citizens to the Planning
39 Commission on issues that are not on the agenda. There were no citizen comments.
40

41 **3. PUBLIC HEARINGS.**

42
43 No public hearings were scheduled.
44

1 **4. ACTION ITEMS.**

2 **4.1 The Planning Commission will take action on a request by Scott McDonald for a**
3 **Conditional Use Request for an 11,800 square foot office/retail space in one new**
4 **building located at 6700 South Highland Drive and 6710 South Blackstone Road,**
5 **also known as Blackstone Crossing.**
6

7 (19:06:33) City Planner, Greg Platt, presented the staff report and reviewed the staff conditions
8 set out in the staff report. Staff recommended approval subject to the conditions.
9

10 Commissioner Bowen asked what a reasonable time period would be for construction of the
11 project. Valerie Wallace of Wadsworth Construction gave their address as 166 East 14000
12 South. She stated that construction would take six months from the time the permit is obtained.
13 Construction hours are normally 7:00 a.m. to 4:30 p.m. Commissioner Bowen had concerns with
14 the 7:00 a.m. to 9:00 p.m. construction times, particularly in light of the fact that the City will be
15 dealing with that issue later on in the meeting. He was confident that those hours would change.
16 He suggested more reasonable hours be established. He thought 7:00 a.m. was too early to begin
17 and 9:00 p.m. was too late to finish. It was thought that starting work earlier in the day prevents
18 workers from having to work in very hot temperatures. Commissioner Armstrong thought it was
19 reasonable for construction to begin at 7:00 a.m. He agreed that 9:00 p.m. was too late to finish.
20

21 Commissioner Bowen stated that there was some discussion about not putting in the fence and
22 instead putting in boulders and landscaping. He understood that UDOT would have to sign off
23 on it. He asked the applicant if he would be opposed to landscaping rather than fencing. The
24 applicant, Scott McDonald, gave his address as 7878 Tynedale Court. He explained that when
25 they negotiated the purchase of the property, UDOT was very particular about making sure that
26 the fence was up so that cars won't go from Blackstone onto the freeway. Commissioner
27 Bowen's idea was to install landscaping and berming with big boulders, which would
28 accomplish the same thing but look much better than a fence. Mr. McDonald agreed but stated
29 that there was a significant distance between the building and the parking and the fence. He
30 commented that because it is so far from the building, the fencing will most likely not be noticed.
31 The proposed fencing would be a four to five-foot chain link fence.
32

33 (19:15:20) Planning Director, Michael Black, commented that chain link fencing is not allowed
34 on new projects. He stated that the issue would need to be addressed with UDOT.
35 Commissioner Bowen reported that there is a chain link fence near his office on North Union
36 Avenue that is four to five feet tall. There is routinely a hole in it where someone has driven
37 through it. Ultimately, boulders were placed in front of the chain link fence. It was suggested
38 that UDOT put the fence on their property and move it over, as they own that section. Mr. Black
39 reiterated that chain link fences would not be approved as part of the project.
40

41 Mr. McDonald stated that he would work with UDOT to resolve the fencing issue. He reminded
42 the Commission of the previous discussion that they may be working into the winter on
43 landscaping and may have to bond to complete the project. He did not recall this issue being
44 listed in the previous minutes. He also noted that the doors on the west side of the building will
45 be solid metal; therefore, blinds would be put on the window portion and not necessarily the
46 solid door portion. Mr. Black noted that the doors were shown as glass in the plans. Ms.

Wallace confirmed that a solid door was planned. Mr. McDonald explained that for security purposes, a solid door was preferable to glass on that side of the building. Commissioner Harwell inquired as to why doors were needed on that side of the building. Mr. McDonald explained that it would serve as a delivery entrance. Concern was raised about the aesthetics of that side of the building.

Mr. McDonald assured the Commissioners that the attractive windows on the second floor would enhance the look of the building. Mr. Black was concerned that the plans show glass doors. Commissioner Frost was concerned that the majority of traffic viewing the building will be from the west side, driving on Highland Drive. The east side of the building will have more privacy. She was more concerned about the aesthetics from Highland Drive. Her preference would be glass. Commissioner Haymore suggested there be some visual enhancement of the metal doors.

Signage issues were discussed and signage locations were specified. Mr. McDonald clarified that the signs would be on the east and west sides of the building only.

(19:24:24) Commissioner Bowen moved to approve Application Number 08-003, subject to the following conditions:

- 1. All construction shall take place in accordance with the approved plans for this development. Any changes to the plans will be required to receive the appropriate approvals.*
- 2. All landscaping in the development shall be completed before final certificate of occupancy is granted (19.80.080(G)). If the landscaping cannot be completed, an appropriate bond shall be posted with the City.*
- 3. All pedestrian walkways shall be lighted (19.80.090(3)).*
- 4. All lights in the development shall be full-cut off (19.80.090(4)).*
- 5. Developer shall provide walkways through the center island on east side of the parking lot for pedestrian access to the sidewalk.*
- 6. No new tree in the development shall be less than two-inch caliper at the time of planting.*
- 7. Construction for the project shall be limited to the hours between 7:00 AM and 6:00 PM daily to preserve the integrity of the adjacent neighborhoods.*
- 8. The use of the property shall be limited to office, business, and/or professional, medical, optical or dental offices or laboratories, and general retail.*
- 9. The developer shall provide a plan for screening of mechanical equipment for staff review and subject to staff approval or rejection.*
- 10. Street lighting will be provided by developer along City streets as indicated on the plat.*

- 1
2 **11. The developer shall work with the City and UDOT on the issue of the fence and obtain**
3 **permission to do something in the alternative, such as placing boulders or other items**
4 **that would prevent the traffic exiting off of Blackstone from entering onto the access to**
5 **the project. If the issue cannot be resolved, it shall be resolved by staff.**
6

7 **Engineering:**
8

- 9 **1. Please provide a geotechnical report for the proposed development.**
10

11 **Fire Department**
12

- 13 **1. This project requires the installation of two new hydrants and must be installed prior to**
14 **the delivery of combustible materials to the job site. Siting of hydrants as indicated on**
15 **reviewed plat.**
16
17 **2 Approved lock box required on exterior door to sprinkler riser room and by each**
18 **business as numbered on the reviewed plat.**
19
20 **3. Building must have an automatic fire sprinkler system.**
21

22 **ARC:**
23

- 24 **1. The wall around the trash receptacle should be faced with sandstone to the top with a**
25 **sandstone or metal cap in order to match the building façade.**
26
27 **2. All the windows on the same side of the building should be of the same color, and**
28 **preferably, all windows on the building should match.**
29
30 **3. Signs should be limited to one sign per tenant per side of the building, totaling two**
31 **signs per tenant. Signs should be on the east and west sides of the building only.**
32
33 **4. Landscaping should include a minimum of three trees on the southwest corner of the**
34 **lot to screen the stairs. As many as five columnar evergreen trees may be required,**
35 **which will be determined by an on-site review after construction is completed.**
36
37 **5. Doors and windows on the west side of the building adjacent to Highland Dr. and I-**
38 **215 shall be glass and equipped with blinds for screening from the street.**
39
40 **6. Parking on Blackstone Road should be discouraged for retail consumers and not**
41 **allowed for deliveries.**
42

43 **Commissioner Armstrong seconded the motion. Vote on motion: Gordon Nicholl-Aye, Geoff**
44 **Armstrong-Aye, Perry Bolyard-Aye, J. Thomas Bowen-Aye, JoAnn Frost-Aye, Jerri Harwell-**
45 **Aye, Doug Haymore-Aye, Jim Keane-Aye, Amy Rosevear-Aye. The motion passed**
46 **unanimously.**

1
2 **5. DISCUSSION ITEMS.**
3

4 (19:27:12) Chair Nicholl suspended the agenda and opened item 5.2 for public comment.
5

6 **5.2 The Planning Commission will discuss the proposed amendments to Chapter 19.76,**
7 **Supplementary and Qualifying Regulations.**
8

9 Rita Stone was present representing her husband Bennett Stone of 7610 Michelle Way. Together
10 they are the owners of .6-acre of property and had contemplated building a second home behind
11 their existing home. Their grandchildren were willing and able to take care of them on their
12 property when the time comes so they won't have to go into a nursing home. Mrs. Stone
13 commented that they currently winter in Arizona, but were planning for the future when they no
14 longer will be able to do that. The current City regulations allow a second building to be only
15 25% of the existing home, which is not enough space for them. Their preference would be to
16 build a home larger than the allowed 750 square feet, particularly to allow for wheelchair access.
17 She was also concerned that the ordinance does not allow for permanent occupancy.
18

19 Chair Nicholl agreed that those were some considerations to think about when revising section
20 19.76. Mr. Black reported that the zoning in the area is RR-1-21. The Stones would have the
21 option to build a guest home, which could be done without subdividing the property. Under the
22 new code, the maximum size of the guesthouse can be no greater than 25% of the main house.
23 In the Stone's case, the guesthouse can be no greater than 750-square feet. Mrs. Stone wanted to
24 have the ability to live on her property full-time, which would be considered an accessory living
25 structure rather than a guesthouse. Mr. Black was aware of at least one City Council Member
26 who is against accessory living structures because his neighborhood has a lot of them that are
27 illegal. Mr. Black commented that accessory living structures and guesthouses would be
28 discussed at a future date with respect to affordable housing.
29

30 (19:31:10) Mr. Black referred to a home on Creek Road where a resident has over one acre of
31 property and has built a large garage with a guesthouse on top. He explained that it sometimes
32 becomes enticing to use a guesthouse that is too large as a permanent residence. Commissioner
33 Armstrong clarified that the current proposed limit is 25% of the main house excluding the
34 garage. Commissioner Bowen commented that basing the size of the guesthouse on the lot size
35 penalizes those who do not go border-to-border on their property. Mr. Black stated that one
36 alternative could be to limit it to no more than a specific percentage of the rear yard.
37

38 It made sense to one Commission Member to limit guesthouses based on the size of the home. It
39 was noted that guesthouses are intended to be occupied for a short period of time. Mr. Black
40 noted that the size of the house could be increased, thereby making the allowed guesthouse size
41 proportionately larger.
42

43 (19:34:20) Commissioner Frost stated that the height restrictions for a guesthouse should remain
44 and they should not be taller than the main home. She suggested increasing the size to a 25%
45 portion of the backyard, as allowed in the current building code for structures such as detached
46 garages. Chair Nicholl added that the challenge is that if the rear yard is large, the guesthouse

1 may be larger than the front house. Mr. Black clarified that rear yards are meant for gardens, RV
2 buildings, and sheds. The issue of having an additional home on the site is not addressed.
3 Because of its unique purpose, a different standard for guesthouse requirements is appropriate.
4 Chair Nicholl was concerned that the one-story height limitation would prevent guest quarters on
5 top of a garage, which is a typical configuration.

6
7 It was noted that that if the garage houses an RV, a guesthouse could be developed on the second
8 floor. Mr. Black clarified that in the Rural Residential zone, the maximum height for an
9 accessory structure is the same as for the main structure, so long as the setbacks are met. In the
10 R-1-8, R-1-10, and R-1-15 zones, the maximum height is 20 feet. Commissioner Bowen
11 suggested that the request made by the Stones be addressed in more detail. It was suggested that
12 staff compare what is being done currently in the City to what other cities are doing. It was
13 recognized that there is already a problem with short-term rentals in the City. Size restrictions on
14 the guesthouses should remain in place to prevent other problems from arising.

15
16 **5.1 The Planning Commission will discuss the proposed amendments to the Foothill**
17 **Recreation Zone F-20; Foothill Residential Zone F-1-43; Foothill Residential Zone**
18 **F-1-21; Rural Residential Zone RR-1-43; Rural Residential Zone RR-1-21;**
19 **Residential Single-Family Zone R-1-10; Residential Single-Family Zone R-1-8;**
20 **Residential Single-Family Zone R-1-6 zoning amendment. Modifying setbacks for**
21 **accessory structures and re-evaluating adopted list of permitted and conditional**
22 **uses.**
23

24 (19:37:44) Mr. Black began the discussion with the F-20 zone. He noted that there are currently
25 no permitted uses in the F-20 zone, not even single-family dwellings. He read the proposed uses
26 allowed in the F-20 zone. In response to a question raised, Mr. Black explained that the term
27 “household pet” refers to dogs, cats, or other animals that can be constrained. Large animals
28 including cows and horses would not be permitted. Chair Nicholl asked that F-20 zones in the
29 City be identified. Mr. Black responded that almost all of Larry Walker’s property is zoned F-
30 20. The Commission Members had no objection to the F-20 uses as proposed. PUD issues were
31 discussed. Mr. Black explained that the planned unit development (PUD) language allows for a
32 cluster of homes.

33
34 (19:40:33) Mr. Black then discussed the F-1-43 zone. He explained that much of the property is
35 behind the homes that front Top of the World Drive. Those were the last homes in the City
36 going east. Permitted uses were identified as single-family dwellings, home occupations,
37 household pets, and accessory buildings that are customary to a single-family use, such as a
38 garage. Proposed conditional uses would include agriculture, bed and breakfast facilities,
39 churches, daycare and preschool facilities, home daycare, public and quasi-public uses, radio and
40 TV towers, temporary structures, and wireless telecommunications. He noted that daycare and
41 preschool uses do not need to be included, as the area is not commercial. He remarked that home
42 daycare would be appropriate in the area. A Commission Member added that home daycare is a
43 home occupation and, therefore, does not need to be listed separately. Mr. Black suggested
44 moving all home occupations to conditional uses, as most are approved at staff level.

1 The appropriateness of bed and breakfasts in the area were discussed. Mr. Black agreed that that
2 was an appropriate use. Commissioner Keane remarked that he would not want a bed and
3 breakfast in his neighborhood. Commissioner Armstrong commented that a bed and breakfast
4 use, while not desirable, is preferable to a ski rental. Bed and breakfasts within the City were
5 identified. It was suggested that bed and breakfast applicants request an amendment before the
6 Commission. Another Commission Member agreed. She wanted to remove the bed and
7 breakfast use and added that enforcement would be an issue. The Commission Members agreed
8 to remove the bed and breakfast use. It was determined that the remaining uses not related to
9 residential were acceptable.

10
11 (19:44:57) The F-1-21 zone was discussed. Permitted uses would include single-family detached
12 dwellings and household pets in non-watershed areas. Mr. Black stated that he would make a
13 note to change home occupation to a conditional use. The Commission Members had no
14 objection. Mr. Black then reported that conditional uses would include agriculture and churches.
15 The golf course use was removed as there was no room for a golf course in the area. Home
16 daycare was removed as it was a part of home occupations that were discussed previously. Other
17 uses were described as planned unit developments (PUD), public/quasi-public uses, radio/TV
18 towers, temporary structures, water pumping plants and reservoirs, wireless telecommunications,
19 and utility stations and lines. A comment was made about an additional water tower in the area
20 and whether it would be buried. Mr. Black confirmed that all new water towers are buried.

21
22 (19:47:16) The RR-1-43 zone was discussed. Permitted uses were described as single-family
23 detached dwellings, accessory buildings customary to single-family use, and agriculture.
24 Mr. Black added that people should be referred to the Animal Chapter regarding agriculture
25 citations.

26
27 Commissioner Keane inquired about the inclusion of household pets, and whether they are
28 presumed to be allowed unless specifically excluded. Mr. Black responded that they could be
29 removed from the RR zones, but would be allowed in all zones unless specifically excluded.
30 Because some of the F zones are in watershed areas, household pets are specifically addressed.
31 A question was raised with regard to the current limit on household pets. It was determined that
32 the current number allowed is six. Mr. Black recommended including household pets in Section
33 19.76, stating that household pets are a permitted use in all residential zones with the exception
34 of the F zones, where they are conditional due to watershed.

35
36 (19:50:01) Commissioner Bowen again thought it was determined previously that home
37 occupation included home daycare and both did not need to be listed separately. Dwelling group
38 terminology was discussed. Mr. Black explained that a dwelling group is a group of dwellings
39 similar to a PUD. He thought it was old-fashioned and no longer needed. It was used by the
40 County to encourage clustering and allows attached or detached dwellings. It was agreed that
41 dwelling group should be removed as it was not adequately defined. Mr. Black added that it is
42 defined in 19.76, although he recommended it be removed from that section as well.

43
44 Other conditional uses would include fruit and vegetable stands (if grown on site) and golf
45 courses. The Commission agreed to remove golf courses from the list as there is no room for
46 them in the area. Another conditional use was residential facilities for elderly people.

1 Commissioner Frost commented that private homes are being converted into elderly facilities.
2 She noted that there is a home off of Fort Union Boulevard that has such a structure and she
3 expressed concern about limits for that use. Mr. Black explained that if there are three people or
4 less in a dwelling, no use permit is required as they are considered a family. With four or more
5 people, there is a specific section in the code that addresses just that issue. It is monitored by the
6 City Attorney to ensure that there are no violations of federal or state statutes that protect people.
7 Mr. Black added that homes for the elderly and disabled are also federally protected. He agreed
8 to view with Mr. Topham residential facilities in general to see if they need to be listed since by
9 law, if other residential uses are allowed in the same zone, these facilities are protected.

10
11 (19:56:01) It was determined that milk production/sale should be deleted. Commissioner Bowen
12 added that the 50% would need to be produced on the premises, which will not happen.
13 Mr. Black felt that non-retail nurseries and greenhouses would qualify as accessory buildings
14 and, therefore, do not need to be listed separately. Nursing home uses were discussed and
15 described as different from residential facilities for elderly persons discussed previously. He
16 stated that sometimes there are requests for nursing homes to be located in residential areas.
17 They require four acres or more when new. Commissioner Bowen's preference was to see them
18 in rural one-acre areas rather than in an R-1-10 zone. Mr. Black agreed to determine what the
19 minimum lot size should be and report back to the Commission.

20
21 (19:58:35) Another use was described as the keeping of pigeons as a conditional use. Mr. Black
22 thought they would need to be listed because people keep them. Commissioner Bowen stated
23 that they are regulated by the Health Department and should not be dealt with by the City. A
24 question was raised as to whether pigeons would be included in the permitted number of
25 household pets. Commissioner Armstrong commented that they are not considered household
26 pets. Mr. Black stated that pigeons are different. There is a section of code in the Animal
27 section that includes specific regulations for pigeons. Commissioner Armstrong suggested that
28 pigeons be allowed in other zones where they are presently not allowed such as the RR and F
29 zones. Mr. Black recommended a determination be made as to whether they are addressed in the
30 Animal zone and if so, remove it as a conditional use.

31
32 (20:00:51) Mr. Black reported that the minimum size for PUDs is three acres. The next use was
33 described as on-site fruit and vegetable packing plants. He did not think that was an issue any
34 longer in the City as there are no remaining orchards. The consensus of the Commission was to
35 remove the use. Mr. Black noted that private schools no longer need to be specifically listed in
36 zones where public or quasi-public uses are allowed.

37
38 Commissioner Armstrong asked if the Commission has the right to allow a use not specifically
39 listed under conditional uses. Mr. Black responded that that they do not. If items are not
40 included in the list of conditional uses, they are not allowed at all. Mr. Black explained,
41 however, that there are other items listed in the supplementary and qualifying regulations that
42 allow for uses that are not specifically listed. Commissioner Armstrong stated that they should,
43 therefore, use care when deleting items under the conditional use category. Mr. Black stated that
44 there have been some issues where conditional uses are too broad. Those who buy properties
45 should have a reasonable expectation as to what they can expect to find in the neighborhood.
46 Commissioner Bowen mentioned that there was a previous issue with a car wash. Mr. Black

1 explained that the City wanted to tailor the regulations at that point because they were dealing
2 specifically with a car wash. Chair Nicholl suggested there be motivation for people who want
3 to annex into the City. He stated that there are areas immediately adjacent to the City boundaries
4 that could fulfill some of the regulations mentioned. It was clarified that conditional uses are
5 basically permitted uses with conditions. The preference was to be overly restrictive and expand
6 as a need is overwhelmingly evidenced.

7
8 (20:05:23) Mr. Black defined the next use as private nonprofit recreation. It was suggested that
9 this item be removed as new facilities were not anticipated. He stated that in Murray the LDS
10 Church tore down a building that was old and made a park. He believed that something like that
11 could fall under this category. Commissioner Keane suggested that if the use cannot be clearly
12 defined it should be removed. Commissioner Armstrong commented that there are no churches
13 listed in the RR-1-43 zone. Mr. Black suggested they be included. If churches are listed, then
14 nonprofit recreational grounds could be easily removed. Mr. Black clarified that churches
15 should be allowed in every residential zone, although possibly limited by size. He further
16 clarified that public and quasi-public uses include pump stations, schools, trailheads, parks, and
17 charter schools. Mr. Black's opinion was that public and quasi-public uses should be allowed in
18 all zones.

19
20 (20:09:45) The next use was identified as a radio/TV tower relay station excluding business
21 office and studio. He was concerned that the height restrictions would be violated with this use.
22 He thought the use would be more relevant in the F zones. Commissioner Armstrong asked if
23 the list of towers could be consolidated where appropriate. He did not understand the difference
24 between them. Mr. Black explained that radio and TV towers are quite large and in some ways
25 constitute a public use. Wireless telecommunications uses are covered in a separate chapter.
26 Radio and TV towers are usually latticed towers with four sides and resemble a ladder. He noted
27 that some are located near I-215 and have flashing red lights at night due to their height. They
28 are usually located at the top of a mountain. Commissioner Bowen noted that cell phone towers
29 are needed in residential areas, however, TV towers are not necessarily needed. Mr. Black
30 commented that many times stations have one or two towers positioned on the top of a mountain.
31 Television towers were thought to be obsolete because of satellite and cable TV.

32
33 (20:12:34) Mr. Black noted that item 19, residential healthcare facility for 5 or 10 persons, could
34 probably be deleted and would be researched as discussed earlier. He defined a sportsman's
35 kennel and stated that one acre of property was required. He explained that more than three dogs
36 could be owned. He suggested the use be modified to specify non-commercial sportsman's
37 kennel.

38
39 The last use listed was temporary construction buildings. A question was raised as to whether
40 the use falls under temporary use. Mr. Black suggested it simply be included in the construction
41 section of 19.76. The consensus of the Commission was to remove the use from all sections.

42
43 (20:16:05) The RR-1-29 zone was reviewed. A typo was identified. Mr. Black explained that
44 permitted uses would include single-family detached, accessory buildings, and agriculture.
45 Conditional uses would include bed and breakfasts and daycare, which would be deleted.

1 Mr. Black assured the Commission Members that he would review the uses in each zone to
2 ensure consistency. It was suggested that the bed and breakfast use be deleted from this zone.

3
4 The list of uses was reviewed. It was determined that PUDs will remain along with sportsman's
5 kennels. There was discussion as to whether the one-acre minimum size requirement should
6 remain for the kennels. The minimum lot size allows for adequate space between lots to abate
7 smells and other nuisances. Sportsman's kennels were determined to be a rural residential use.
8 Mr. Black suggested that for consistency, as in other issues, the one-acre minimum should
9 perhaps be removed. Chair Nicholl thought that one-half-acre was too small and not appropriate
10 for rural uses. Commissioner Keane thought that one-half acre made it difficult to justify rural
11 residential concepts. Mr. Black was concerned about removing sportsman's kennels from the
12 RR zones because it is a rural residential use. It was suggested that the one-acre minimum be
13 removed. The consensus of the Commission was to reduce the requirement to one-half acre.

14
15 (20:22:25) Permitted uses in the RR-1-21 zone would include single-family, accessory buildings,
16 and agriculture. Mr. Black stated that everything else would be deleted from the section. It was
17 stated that the Despain property was re-zoned from RR to R. Mr. Black clarified that the larger
18 portion is R-1-15. The small portion on the south end was zoned RR. It was reported that until
19 the sale is closed on, the Despain's will not sign the zone change. It was clarified that some of
20 the uses would not be allowed in the property located within the R zone.

21
22 (20:23:48) A Commission Member stated that he would like bed and breakfasts removed from
23 the RR-1-21 zone. Lot size requirements were discussed. Mr. Black's opinion was that one-half
24 acre was the limit for a bed and breakfast. Commissioner Frost thought that bed and breakfast
25 was a default when someone has property they don't know what to do with. Commissioner
26 Nicholl commented that it is cost-prohibitive to convert an existing home into a bed and
27 breakfast. Mr. Black suggested leaving bed and breakfasts in the one-acre zone.

28
29 It was recognized that there is a large market and an industry of ski rentals in the community. It
30 was his opinion that there was not enough of an industry demand for bed and breakfast uses. He
31 was concerned that a bed and breakfast would in reality be a ski rental. He suggested they be
32 disallowed unless someone approaches the Commission with plans showing how all of the issues
33 have been mitigated. At that time the code can be adjusted to appropriately handle them.
34 Commissioner Bowen added that bed and breakfasts are already allowed in the RO zone. He
35 suggested removing them from the RR zones. Rezoning would limit future requests. The
36 consensus of the Commission was to remove bed and breakfast from the RR zones.

37
38 (20:32:13) Mr. Black asked the Commission about daycare and preschool uses in the RR zones.
39 The Commission suggested they be limited to home daycare uses.

40
41 Mr. Black stated that because of the proposed changes, more than one public hearing would be
42 necessary. Notices would be published and the public given time to review the proposed
43 changes. Giving the public adequate time with which to comment would eliminate future
44 confusion and misunderstanding. The proposed amendments were restated and verified.

1 The Commission agreed to make changes to all R-zone properties consistent with those in the R-
2 1-15 zone. In response to question raised, Mr. Black clarified that side yard requirements vary.
3 Accessory buildings have three-foot minimums with the exception of the F zones. He noted that
4 this was changed to three feet during previous discussions regarding the R-2 zones.

5
6 **5.2 The Planning Commission will discuss the proposed amendments to Chapter 19.76,**
7 **Supplementary and Qualifying Regulations.**
8

9 (20:52:12) Section 19.76.030 was discussed. Commissioner Bowen inquired as to the definition
10 of a municipal zone. Mr. Black verified that it refers to the PF zone. He suggested that the name
11 be changed to be consistent with the zoning. Mr. Black agreed to change “municipal” to
12 “public”. The word “department” was also defined.

13
14 Regarding item L, Mr. Black asked the Commission whether they wanted approval to be through
15 the DRC, the Director, or the Building Official. A Commission Member commented that it is a
16 trend that will increase and suggested there be efficiency in the decision process. Mr. Black
17 suggested that it be one person. Commissioner Bowen recommended the hours of operation be
18 limited to 8:00 a.m. to 7:00 p.m. rather than 7:00 a.m. to 9:00 p.m. He added that on item 10, the
19 wording be “as used” for construction, rather than “as necessary” for construction.

20
21 Mr. Black stated that his notes per previous discussions included on-site trash receptacles,
22 parking on the street, and to requiring on-site signage with rules listed. A Commission Member
23 wanted it to be explicit that only licensed vehicles can be on the street and other equipment has
24 to be on-site.

25
26 Commissioner Armstrong asked who will monitor the noise. Mr. Black responded that if the
27 neighbors file a complaint, the noise will be measured. A decimeter would be used to measure
28 noise.

29
30 Suggested modifications to item 11C were discussed. A Commission Member inquired as to
31 whether the rules would apply to only private construction companies. It was clarified that it
32 would apply to anyone who requires a permit. A question was raised about enforcement.
33 Mr. Black responded that that any violation of the code is a misdemeanor with associated fines.

34
35 (20:58:46) Earlier comments regarding guesthouses were discussed. Mr. Black explained that he
36 told the Stones that they could live in a guesthouse part-time, but not full-time. Commissioner
37 Armstrong stated that the six months the Stones spend in Arizona would constitute part-time.
38 The issue, however, was that there will come a time when they no longer will winter in Arizona.
39 Commissioner Keane did not view half-time occupancy as a valid a guesthouse use. To him, a
40 guesthouse should be shorter than even a short-term rental use. He didn’t believe the use
41 proposed by the Stones had been adequately addressed. Commissioner Bowen suggested the
42 Stones instead add on to their home. Mr. Black believed that they wanted to give relatives the
43 main home. Mr. Black made it clear to the Stones that they could not subdivide their property.

44
45 Commissioner Keane reiterated that a “granny flat” was a separate issue. He suggested the City
46 be very clear that a guesthouse is intended for short-term visitors, under 30 days. It was added

1 that mother-in-law apartments are allowed so long as they are detached. Commissioner Frost
2 was concerned about the dwelling being used after a family member dies.

3
4 (21:03:55) Chair Nicholl suggested a date be set where decisions could be made on conditional
5 uses. He thought the first meeting in August would be reasonable. Mr. Black suggested the
6 decision date be published and ample time given for public review. The first meeting in August
7 was tentatively set for a decision. Commissioner Bowen asked whether such an action would
8 create a moratorium for people coming to the Commission while the matter is under review.
9 Mr. Black did not think that was the case and considered a moratorium to be unnecessary. He
10 suggested the Commission identify key items for a pending ordinance. The Commission
11 Members were asked to respond individually to a forthcoming email.

12 13 **6. PLANNING DIRECTOR'S REPORT.**

14
15 (21:09:15) There was no Planning Director's Report.

16 17 **6.1 ADJOURNMENT.**

18
19 (21:09:18) *Commissioner Frost moved to adjourn. Commissioner Rosevear seconded the*
20 *motion. Vote on motion: Gordon Nicholl-Aye, Geoff Armstrong-Aye, Perry Bolyard-Aye, J.*
21 *Thomas Bowen-Aye, JoAnn Frost-Aye, Jerri Harwell-Aye, Doug Haymore-Aye, Jim Keane-*
22 *Aye, Amy Rosevear-Aye. The motion passed unanimously.*

23
24 The Planning Commission Meeting adjourned at 9:09 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, June 4, 2008.*

3
4
5
6
7
8 

9 Teri Forbes

10 T Forbes Group

11 Minutes Secretary

12
13 Minutes approved: